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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,596	07/25/2003	Yuzhong Shen	Q76612	9765

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EXAMINER
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ART UNIT	PAPER NUMBER
2619	

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11/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _31 August 2007_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-11_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _08/31/2007_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The replacement drawing for Figure 1 was received on 08/31/2007. This drawing

is accepted.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by March et

al (United States Patent No.; US 7,068,655 B2).

Consider claims 4 and 7, March et al clearly show and disclose a method for

performing Session Initiation Protocol signaling for a media stream, the method

comprising: receiving an SIP invite message of a first Internet Protocol (IP) party (user A

sends ASIP INVITE message 300 that is received by Application Server 42), adapting at

least one connection parameter in the Session Description Protocol (SDP) of the

received SIP invite message (the application server 42 substitutes the network address

and port A_{media} specified in the SDP portion on the original SIP INVITE message with

A_{media}'), transmitting the adapted SIP invite message (308) to a second IP party (user

B), receiving an SIP response message of the second IP party (Application Server 42

receives SIP OK 316), adapting at least one connection parameter in the SDP of the

received SIP response message(the application server 42 substitutes the network

address and port B_{media} specified in the SDP portion on the original SIP INVITE

message with B_{media}'), and transmitting the adapted SIP response message (324) to the

first IP party (user A)(figures 1 and 4 and column 6, line 17-column – column 8, line 50).

Consider claim 5 and as applied to claim 4 above, March et al disclose a

connection parameter that includes information about a bypass channel, an address, or

a port (column 7, lines 53-58).

Consider claim 6 and as applied to claim 4 above March et al disclose the

connection parameters sent to both IP parties differing from each other (A_{media}' and

B_{media}') (figures 1 and 4 and column 6, line 17-column – column 8, line 50).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action: .

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al (United States Patent Application Publication No.: US 2003/0219103 A1) in view of Koch (United States Patent No.: US 7,127,400 B2), and further in view of Woolston et al (United States Patent No.: US 6,856,967 B1).

Consider claims 1 and 3, Rao et disclose a first server (soft switch 100 in figures 5 and 7) that detects information in the signaling information being transmitted between

two Internet Protocol parties (paragraph [0072]) and to generate instructions out of the

detected signaling information for instructing a second server (edge router 710,720) to

create channels (bearer paths 350 and 360 in figure 5 and their equivalent in figure 7) to

bypass a media stream to be intercepted (paragraphs [0074]-[0079])vi a an intermediate

storage medium (inherently taught by delivery function 160).

However Rao et al do not explicitly disclose that the soft switch 100 comprises a

Session Initiation Protocol proxy server or a Media Gateway Controller or that the edge

router comprises a Real-time Protocol proxy server.

In the same field of endeavor Koch discloses a media gateway controller as an

element of a soft switch (column 7, lines 2-8).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to incorporate a media gateway controller in a soft switch

as disclosed by Koch et al in the system of Rao et al in order to process signaling

information.

Nonetheless Rao et al as modified by Koch does not explicitly disclose that the

edge router incorporates a Real-time Protocol proxy server.

In the same field of endeavor Woolston et al disclose a system wherein a Real-

time Protocol (RTP) server may be incorporated into a router (column 12, lines 66-67).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to incorporate a Real-time Protocol (RTP) server in a

router as disclosed by Woolston et al in the system of Rao et al in order to transport

voice/video data packets.

8.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al

(United States Patent Application Publication No.: US 2003/0219103 A1) in view of

Hackbarth et al (United States Patent Application Publication No.: US 2002/0147777

A1), and further in view of Woolston et al (United States Patent No.: US 6,856,967 B1).

        Consider claim 2 Rao et al disclose a first server (soft switch 100 in figures 5 and

7) that detects information in the signaling information being transmitted between two

Internet Protocol parties (paragraph [0072]) and to generate instructions out of the

detected signaling information for instructing a second server (edge router 710,720) to

create channels (bearer paths 350 and 360 in figure 5 and their equivalent in figure 7) to

bypass a media stream to be intercepted (paragraphs [0074]-[0079]) via a an

intermediate storage medium (inherently taught by delivery function 160).

        However Rao et al do not explicitly disclose that the soft switch 100 comprises a

Session Initiation Protocol proxy server or that the edge router comprises a Real-time

Protocol proxy server.

        In the same field of endeavor Hackbarth et al discloses a Session Initiation

Protocol proxy server as an element of a soft switch (paragraph [0044]).

        Therefore it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to incorporate a media gateway controller in a soft switch

as disclosed by Hackbarth et al in the system of Rao et al in order to process signaling information.

Nonetheless Rao et al as modified by Hackbarth et al does not explicitly disclose that the edge router incorporates a Real-time Protocol proxy server.

In the same field of endeavor Woolston et al disclose a system wherein a Real-time Protocol (RTP) server may be incorporated into a router (column 12, lines 66-67).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a Real-time Protocol (RTP) server in a router.as disclosed by Woolston et al in the system of Rao et al in order to transport voice/video data packets.

9. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al (United States Patent Application Publication No.: US 2003/0219103 A1) in view of Straut et al (United States Patent No.: US 7,219,138 B2).

Consider claim 8, Rao et al disclose a first server (soft switch 100 in figures 5 and 7) detecting information (signaling information) in the first data stream and generating an instruction (instructing edge routers 710,720) based on said information, a second server (edge router 710,720) creating a channel based (to create bearer paths) on said generated instruction, wherein said channel bypasses said first data stream through a storage device (the data is duplicated by edge routers 710,720 and is sent to the delivery function 160, essentially creating a bypass route), and said storage device operates to store a copy of said first data stream.

Even though it would be obvious to store a copy of the intercepted data to be used by law enforcement, Rao et al do not explicitly disclose a storage device storing a copy of the data stream.

In the same field of endeavor Straut et al disclose a storage device that operates to store a copy the data stream (column 1, lines 55-65).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a storage device to store a copy of the intercepted data as disclosed by Straut et al in the system of Rao et al in order to analyze the intercepted data.

Consider claim 11, and as applied to claim 8 above, Rao et al as modified by Straut et al disclose a second server further creating a second channel (bearer path 360 in figure 5 and its equivalent in figure 7)(paragraphs [0078] and ([0079]) based on said generated instruction, wherein said second channel bypasses a second data stream (data from subscriber B), transmitted in the opposite direction as the first data stream, through the storage device, and said storage device operates to store a copy of said second data stream.

10.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al (United States Patent Application Publication No.: US 2003/0219103 A1) in view of Straut et al (United States Patent No.: US 7,219,138 B2), as applied to claim 8 above, and further in view of Koch (United States Patent No.: US 7,127,400 B2).

Consider claim 9, and as applied to claim 8 above, Rao et al as modified by Straut et al disclose the claimed invention but does not explicitly disclose that the first server (soft switch 100) is one of a Session Initiated Protocol proxy server and a Media Gateway Controller.

In the same field of endeavor Koch discloses a media gateway controller as an element of a soft switch (column 7, lines 2-8).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a media gateway controller in a soft switch as disclosed by Koch in the system of Rao et al as modified by Straut et al in order to process signaling information.

11.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al (United States Patent Application Publication No.: US 2003/0219103 A1) in view of Straut et al (United States Patent No.: US 7,219,138 B2), as applied to claim 8 above, and further in view of Woolston et al (United States Patent No.: US 6,856,967 B1).

Consider claim 10, and as applied to claim 8 above, Rao et al as modified by Straut et al disclose the claimed invention but does not explicitly disclose that the second server is a Real-time Transport Protocol proxy server.

In the same field of endeavor Woolston et al discloses a system wherein a Real-time Protocol (RTP) server may be incorporated into a router (column 12, lines 66-67).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a Real-time Protocol (RTP) server in a

router as disclosed by Woolston et al in the system of Rao et al as modified by Straut et

al in order to transport voice/video data packets.

Response to Arguments

12.   Applicant's arguments with respect to claims 1-7 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

11.   Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed

to**:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to German Viana Di Prisco whose telephone number is

(571) 270-1781. The examiner can normally be reached on Monday through Friday

7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ken Vanderpuye can be reached on (571) 272-3078. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

German Viana Di Prisco
October 31, 2007

KENNETH VANDERPUYE
SUPERVISORY PATENT EXAMINER